

JAN 16 2007

## OFFICE OF PETITIONS

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Application Serial No:</b> 10/669,177	<b>Attorney Docket No:</b> BP3036.1
<b>Application Filing Date:</b> 09-23-2003	<b>Inventor(s):</b> Ba-Zhong Shen, Hau Thien Tran, and Kelly Brian Cameron
<b>Examiner:</b> Dildine Jr., R. Stephen	
<b>Art Group:</b> 2133	<b>Patent No:</b> n/a
<b>Confirmation No:</b> 4091	<b>Patent Issue Date:</b> n/a
<b>Title:</b> Iterative metric updating when decoding LDPC (Low Density Parity Check) coded signals and LDPC coded modulation signals	

Date: 01-16-2007

## Via facsimile to: (571) 273-0025

Mail Stop **PETITION**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 TEL: (571) 272-3282  
 FAX: (571) 273-0025

**PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. §1.313**

The Applicant hereby petitions under 37 C.F.R. §1.313 for the withdrawal from issue of the above-referenced U.S. utility patent application to permit consideration of one (1) reference being submitted via IDS (Information Disclosure Statement).

The issue fee for the above referenced U.S. utility patent application was submitted in a filing that was mailed on 12-21-2006.

The Applicant is also submitting herewith an RCE (Request for Continued Examination) and hereby requests independent consideration by the Examiner of the one (1) reference cited within the IDS.

It is requested that the enclosed reference listed on the attached Information Disclosure Statement by Applicant be considered by the Examiner in connection with the above-identified U.S. utility patent application and be made of record therein. During examination of a related EP patent application, the Examiner of the related EP patent application identified the enclosed reference. The cover letter provided by our foreign associate as well as the 1<sup>st</sup> four (4) pages of the reference are being submitted herewith. A hard copy of the non-U.S. patent reference cited within the IDS is being mailed separately as sending it via facsimile would be impracticable.

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Certification Under 37 C.F.R. § 1.97(e)(1)

I hereby certify that the corresponding enclosed reference was cited in a communication from a foreign patent office in a counterpart foreign application (European Patent application 03022638.5-1247) not more than three months prior to the filing of this Information Disclosure Statement by Applicant.

Independent consideration and acknowledgment of the enclosed reference is respectfully requested.

The Applicant is submitting herewith the RCE and associated fee under 37 C.F.R. § 1.17(e) of \$790, the petition fee under 37 C.F.R. § 1.17(h) of \$130, and the IDS form (PTO/SB/08A, 0 sheet and PTO/SB/08B, 1 sheet) citing the one (1) reference to be considered by the Examiner.

A hard copy of the non-U.S. patent references cited within the IDS is being mailed separately as sending it via facsimile would be impracticable.

Since prosecution on the merits is closed for the above-referenced U.S. utility patent application, the hard copy of the non-U.S. patent reference is being subsequently mailed via 1<sup>st</sup> class mail to the following address as instructed by the Office of Petitions:

Mail Stop PETITION  
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P.O. Box 1450  
Alexandria, VA 22313-1450

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present U.S. utility patent application.

RESPECTFULLY SUBMITTED,

By: \_\_\_\_\_ /SXShort/ Reg. No. 45,105  
Shayne X. Short, Ph.D., Reg. No. 45,105  
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